

Senate File 2270

H-8487

1 Amend the amendment, H-8443, to Senate File 2270, as  
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 4, line  
4 25, and inserting:

5 <<Section 1. NEW SECTION. 135.30B **Short title.**

6 This section and sections 135.30C through 135.30F  
7 shall be known and may be cited as the "*Family Friendly*  
8 *Workplace Act*".

9 Sec. 2. NEW SECTION. 135.30C **Definitions.**

10 1. "*Employer*" means a person engaged in a business  
11 that has one or more employees and also includes the  
12 state of Iowa, a department or agency thereof, and any  
13 political subdivision of the state.

14 2. "*Reasonable efforts*" means any effort that would  
15 not impose an undue hardship on the operation of the  
16 employer's business.

17 3. "*Undue hardship*" means any action that requires  
18 significant difficulty, compromises the safety of other  
19 employees, requires temporary facility closure, or  
20 results in expenditures exceeding five hundred dollars,  
21 exclusive of the costs of additional labor or unpaid  
22 leave costs.

23 Sec. 3. NEW SECTION. 135.30D **Right to express**  
24 **breast milk in workplace — private location.**

25 1. An employer shall provide reasonable unpaid  
26 break time or permit an employee to use paid break  
27 time, meal time, or both, each day, to allow the  
28 employee to express breast milk for the employee's  
29 nursing child for up to two years after the child's  
30 birth.

31 2. The employer shall make reasonable efforts  
32 to provide a place, other than a toilet stall, which  
33 is shielded from view and free from intrusion from  
34 coworkers and the public, that may be used by an  
35 employee to express breast milk in privacy.

36 3. The department shall provide on its internet  
37 site information and links to other internet sites  
38 where employers can access information regarding  
39 methods to accommodate employees who express breast  
40 milk in the workplace. The department shall consult  
41 with appropriate organizations or associations to  
42 determine the appropriate information and internet site  
43 links so as to provide employers with the most accurate  
44 and useful information available.

45 4. a. An employee shall provide notice to an  
46 employer of the employee's need for time and a location  
47 to express breast milk at least sixty days prior to the  
48 anticipated date that the employee will give birth.

49 b. If an employee gives birth more than sixty days  
50 prior to the employee's anticipated date of delivery,

1 or the employee is hired while breast-feeding, the  
2 employee shall notify the employer within a reasonable  
3 time about the employee's need for time and a location  
4 to express breast milk.

5 5. a. At least thirty days prior to the  
6 anticipated date that the employee will give birth,  
7 the employer and employee shall establish a written  
8 agreement pursuant to the provisions in this section.  
9 The agreement shall be signed by the employer or  
10 the employer's designee and the employee and shall  
11 be notarized by a third party, who may be another  
12 employee of the employer. A copy of the agreement  
13 shall be given to the employee and a copy placed in the  
14 employee's personnel file.

15 b. If an employee gives birth more than thirty days  
16 prior to the employee's anticipated date of delivery,  
17 or the employee is hired while breast-feeding, the  
18 employer and employee shall establish a written  
19 agreement pursuant to the provisions of this section  
20 as soon as practicable. The agreement shall be signed  
21 by the employer or the employer's designee and the  
22 employee and shall be notarized by a third party, who  
23 may be another employee of the employer. A copy of the  
24 agreement shall be given to the employee and a copy  
25 placed in the employee's personnel file.

26 c. If an employer and employee are unable to agree  
27 on the amount of time, the location, or both for the  
28 employee to express breast milk, the employee may file  
29 a written or electronic complaint using a form provided  
30 by the department on its internet site.

31 **Sec. 4. NEW SECTION. 135.30E Employment**  
32 **accommodation — expressing breast milk.**

33 1. It shall be the responsibility of the director  
34 or the director's designee to investigate and  
35 issue civil penalties and remedies, relating to the  
36 provisions of section 135.30D pertaining to the right  
37 of an employee to express breast milk in the workplace,  
38 as appropriate pursuant to section 135.30F.

39 2. The director or the director's designee shall  
40 develop a complaint form to be available on the  
41 department's internet site that pertains to the right  
42 of an employee to express breast milk in the workplace,  
43 pursuant to section 135.30D.

44 **Sec. 5. NEW SECTION. 135.30F Investigation and**  
45 **hearing — expressing breast milk in the workplace.**

46 1. Upon receipt by the director or the director's  
47 designee of a completed and signed complaint form from  
48 an aggrieved employee pursuant to section 135.30E, the  
49 director shall authorize an investigator to commence  
50 an investigation within five days of receiving the

1 complaint. The department's investigation is not to  
2 be construed as a contested case as defined in section  
3 17A.2.

4 2. The investigator shall provide notice in writing  
5 using regular or electronic mail to the employer of  
6 the allegations contained in the complaint and shall  
7 request a response from the employer within ten days  
8 from the date of notice. This period may be extended  
9 by the investigator.

10 3. If the employer fails to respond to the  
11 investigator's request for response within the  
12 established time, the investigator may determine the  
13 employee's claim to be enforceable.

14 4. If the employer answers the investigator's  
15 request for response within the established time,  
16 the investigator shall notify the aggrieved employee  
17 in writing using regular or electronic mail of  
18 the employer's response and afford the employee an  
19 opportunity to present additional information in  
20 support of the employee's complaint pursuant to section  
21 135.30D. The employee shall submit the requested  
22 additional information within ten days from the  
23 date of notice. This period may be extended by the  
24 investigator.

25 5. Upon receipt of the requested additional  
26 information from the employee, the investigator may  
27 determine additional information is required from the  
28 employer and shall provide notice in writing using  
29 regular or electronic mail to the employer of the  
30 request and require a response within ten days from the  
31 date of notice.

32 6. The department and its staff shall not disclose  
33 the filing of a complaint or the information gathered  
34 during the investigation, unless such disclosure  
35 is made in connection with the conduct of such  
36 investigation.

37 7. a. Within five days upon receipt of all  
38 requested information, the investigator may determine  
39 the employee's complaint to be enforceable and the  
40 department shall notify the employer in writing using  
41 regular or electronic mail of that determination.  
42 Should the investigator determine that the complaint  
43 is unenforceable, the department shall so notify the  
44 employee in writing using regular or electronic mail.  
45 The determination constitutes final agency action.

46 b. Upon determination that a complaint pursuant  
47 to section 135.30D is enforceable, the department  
48 shall notify the employer in writing using regular or  
49 electronic mail of that determination and afford the  
50 employer an opportunity to comply with the provisions

1 of section 135.30D within ten days of the date of  
2 notice prior to initiating judicial proceedings.  
3 c. After the employer has received notice of the  
4 decision and the ten-day compliance period has expired,  
5 the department may also impose a minimum civil penalty  
6 of one hundred dollars and a maximum civil penalty of  
7 five hundred dollars for each day that the respondent  
8 was not in compliance with section 135.30D and each day  
9 the respondent remains out of compliance with section  
10 135.30D as ordered by the department. The maximum  
11 civil penalty shall be assessed only if the department  
12 determines that the respondent has been found in  
13 violation of section 135.30D, subsections 1 and 2. The  
14 aggregate civil penalty assessed shall not exceed five  
15 thousand dollars. Civil penalties collected pursuant  
16 to this paragraph shall be deposited in the general  
17 fund of the state.  
18 8. The department shall establish rules to govern,  
19 expedite, and effectuate the procedures established by  
20 this section and its own actions thereunder.>  
21 \_\_\_\_\_. Title page, line 2, after <milk> by inserting  
22 <, and providing penalties and remedies>>

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TYMESON of Madison